

ORDINANCE 328-11


AN ORDINANCE AMENDING THE WEST BOUNTIFUL MUNICIPAL CODE CHAPTERS 17.60, 17.20, AND 17.24 BY INCLUDING ZONING LANGUAGE FROM CHAPTER 17.44, SUPPLEMENTAL REGULATIONS, IN THE APPROPRIATE ZONING CHAPTERS AND CLARIFYING REGULATORY LANGUAGE.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE MUNICIPALITY OF WEST BOUNTIFUL CITY, DAVIS COUNTY, STATE OF UTAH, THAT THE WEST BOUNTIFUL MUNICIPAL CODE SHALL BE AMENDED AS INDICATED IN THE ATTACHED EXHIBIT A.


The attached changes will take effect immediately upon adoption.

Adopted this 21st day of June, 2011.

By:

  
Ken Romney, Mayor

Attest:

  
Heidi Voordeckers, City Recorder



Voting by the City Council:	Aye	Nay
Councilmember Preece	<u>X</u>	_____
Councilmember Shaw	<u>X</u>	_____
Councilmember Bruhn	<u>X</u>	_____
Councilmember Baza	ABSENT	_____
Councilmember Tovey	<u>X</u>	_____

#### 17.16.030 Conditional Uses.

The following uses are conditional in the agricultural districts A-1:

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery;
- D. Flag lots;
- E. Home occupations;
- F. Natural resource extraction;
- G. Planned unit development (PUD);
- H. Residential facility for elderly persons;
- I. Kennels;
- J. Residential facility for a disabled family member;
- K. Restricted Lots (see definitions (Section 17.04.030));
- L. Accessory Dwelling Units (ADU).

#### 17.16.040 Area and frontage regulations.

The following area and frontage regulations apply in the agricultural districts A-1:

- A. The minimum residential lot size shall be one acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68;
- B. The minimum lot width shall be eighty-five (85) feet;
- C. Any lot legally held in separate ownership at the time of adoption of this zoning code, which lot is below the requirements for lot area or lot width for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of the zoning code may be used for a single family dwelling if such a lot is located in the A-1 zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five (5) feet nor shall the total width of the two side yards be less than thirteen (13) feet.

#### 17.16.045 Every dwelling to be on a lot – exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums and other multi structure dwellings, complexes under single ownership and management, which are permitted by this title and have approval by the planning commission, may occupy a single lot.

#### 17.16.050 Yard regulations.

The following regulations apply in the an-agricultural district A-1;

- A. Front yard. The minimum side front yard setback for all structures shall be thirty (30) feet. The setback is measured to the nearest foundation or column. A maximum two-foot cantilever into the setback area such as a bay window is allowed.

- B. Side yard. The minimum side yard setback shall be ten (10) feet for any one side and a combined total of twenty four (24) feet for both sides, for all main structures. Minimum side yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used) or unless otherwise approved by the planning commission. On corner lots, the side yard facing the street shall be not less than twenty (20) feet for both principal use and accessory use structure or buildings; and
- C. Rear yard. The minimum rear yard for all mains structures, shall be thirty (30) feet. The setback is measured to the nearest foundation or column. A maximum two foot cantilever into the setback area such as a bay window or chimney that does not extend to the ground is allowed. Minimum rear yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used), or unless otherwise approved by the planning commission.
- D. Distance between main structures and accessory buildings. The minimum distance between all main structures and accessory use buildings shall be (10) feet, unless otherwise approved by the planning commission.
- E. No building on recorded easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement (i.e. Public Utility Easements, etc.).
- F. Except as otherwise provided in this title, every lot presently existing or hereafter created shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of way approved by the planning commission, before a building permit may be issued; provided, that no lot containing three ~~five~~ acres or less shall be created which is more than three times as long as it is wide.
- G. Yard space for one building only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is established.

- H. Area of structure and accessory building.

No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than twenty five percent (25%) of the rear yard.

- I. Sales or lease of space.

No space needed to meet the width, yard, area, coverage, parking or other requirement of this title for lot or building may be sold or leased away from such lot or building.

- J. Yards to be unobstructed – Exceptions.

Every part of a required front yard, rear yard or side yard shall be open to the sky, unobstructed except for permitted accessory structures, including buildings, in a rear yard; ordinary architectural projections of sky-lights, sills belt courses, cornices, chimneys, flues; and other

ornamental features which project into a yard not more than two and one half (2 ½) feet; open or lattice-enclosed fire escapes; and fireproof outside stairways and balconies opening upon fire towers projecting into a yard no more than five (5) feet. Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure. Landscape enhancements, including but not limited to arbors, ponds, decorative walkways, and retaining structures, with a gross area of 120 square feet or less and a height of twenty four (24) inches or less (except arbor or trellis openings width not greater than sixty (60) inches, depth not greater than twenty four (24) inches and height no greater than ninety six (96) inches) shall be allowed within any front yard, side yard or rear yard setback area. Structures identified as exempt from a building permit, with the exception of fences, retaining walls, and access walkways or driveways, shall not be placed or constructed within any front yard or corner street-side side yard setback area.

17.16.055 Lots and dwellings fronting on private streets- special provisions.

Lots with frontage only on private streets require planning commission approval and shall be subject to all applicable requirements of this title.

17.16.60 Height regulations.

A. Maximum height of structures.

No structure shall be erected to a height greater thirty-five (35) feet.

B. Additional height allowed.

Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved by the planning commission.

C. Exceptions to height limitations.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and such increased height is subject to all other ordinances and regulations of the city.

D. Minimum height of dwellings.

No dwelling shall be erected to a height less than one story above grade, ~~except in a planned unit development.~~

17.16.070 Density.

| The maximum net density allowed shall be ~~no more than one~~ unit per acre.

17.16.080 Farm animal regulations.

- A. Large and medium farm animals and fowl may be kept for family use outside dwellings; provided, that all pens, barns coops, stables or similar structures are located not less than ten (10) feet from any property line and seventy-five (75) feet from any neighboring dwellings.

- B. Farm animals and fowl may be kept on properties with a minimum area of one acre, according to the following schedule:

For each acre, a parcel shall be eligible to contain or house animals rating one hundred (100) points) or prorated for any part thereof.

1. Large animals such as horses and cows: Forty (40) points
2. Medium animals such as sheep and goats: Twenty (20) points.
3. Small animals such as ducks, chickens, geese, rabbits and turkeys: Four (4) points each.
4. Pigs (provided that pens are located at least two hundred (200) feet from neighboring dwellings): Forty (40) points each.

- C. All animals must be kept in an area enclosed by a fence or structure sufficient to prevent escape. All manure, droppings, or other waste or debris must be kept from becoming offensive, annoying or a health hazard. Premises and structures must be maintained in a normal, safe, reasonable, sightly and healthful condition consistent with the intent of this title and other applicable ordinances of the city and county.

- D. Failure to maintain areas where farm animals are kept in a normal, reasonable, sightly and healthful condition shall invalidate any use specified in this section and shall subject the owner to penalties and/or fines as specified elsewhere in this title.

17.16.090 Reserved.

17.16.100 Fence requirements.

- A. Fences, walls and hedges may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.
- B. Notwithstanding any other provisions ~~herein of this Title, view obstructing~~ no fences, walls or hedges not may exceed exceeding four (4) feet in height may be erected and allowed from the within any front yard setback; and, of the primary building to within three (3) feet of any street line or inside of sidewalk (whichever is closer to the primary building on the lot), no fence, wall, or hedge may. ~~Fences, hedges, and walls will not exceed two (2) feet in height in the three (3) foot area of any street line or inside of sidewalk.~~
- C. For the purpose of this section, single shrub planting shall not constitutes a hedge if the closest distance between the foliage of any two plants is and remains at least five (5) feet.
- D. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the ~~lowest~~ higher grade.
- E. Clear view of intersecting streets.  
In all districts which require a front yard no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points (40) feet from the intersection of the street lines,

except pedestal type identification signs and pumps at a gasoline service station, and a reasonable number of trees pruned so as to permit unobstructed vision to traffic.

| Chapter 17.20 Residential District, R-1-22

Sections:

17.20.010 Purpose.

17.20.020 Permitted Uses.

17.20.030 Conditional Uses.

17.20.040 Area, width and frontage regulations.

17.20.045 Every dwelling to be on a lot – exceptions.

17.20.050 Yard regulations.

17.20.055 Lots and dwellings fronting on private streets– special provisions.

17.20.060 Height regulations.

17.20.070 Density.

17.20.080 Farm animal regulations.

17.20.090 Reserved.

17.20.100 Fence requirements.

17.20.010 Purpose.

| The residential district R-1-22 is established to provide for very low density single-family residential neighborhoods of spacious and un-crowded character. The regulations of this chapter provide for single -family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi-public activities that will serve the needs of families. The regulations are intended to preserve and enhance residential character and lifestyle

17.20.020 Permitted uses.

| The following uses are permitted in the residential districts, R-1-22:

- A. Agricultural;
- B. Single-family dwellings;
- C. Farm animals; (see Section 17.20.080); and
- D. Residential facility for persons with a disability (~~Ord. 251-98(Part)~~);

| 17.20.030 Conditional uses.÷

| The following uses are conditional in the residential districts, R-1-22:

- A. Child day care or nursery;
- B. Flag lot;
- C. Home occupation;
- D. Planned unit development;
- E. Public, quasi-public uses;
- F. Residential facility for elderly persons (Ord. 251-98).
- G. Accessory Dwelling Units (ADU);
- H. Restricted lots (see Definitions (Section 17.04.030)).

17.20.040 Area, width and frontage regulations.

| The following area width and frontage regulations apply in the residential district R-1-22:

- A. Minimum residential lot size shall be one-half acre;
- B. Minimum lot width at the front yard setback line shall be eighty-five (85) feet;
- C. Minimum lot frontage shall be fifty (50) feet.
- D. Any lot legally held in separate ownership at the time of adoption of this zoning code, which lot is below the requirements for lot area or lot width for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of the zoning code, may be used for a single family dwelling, if such lot is located in the R1-22 zoning district. The width of each of the side yard for such a dwelling may be reduced to a width which is not less than same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five feet, nor shall the total width of the two side yards be less than thirteen (13) feet.

17.20.045 Every dwelling to be on a lot – exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums and other multi structure dwellings, complexes under single ownership and management, which are permitted by this title and have approval by the planning commission, may occupy a single lot.

17.20.050 Yard regulations.

| The following yard regulations apply in the residential district R-1-22:

- A. Front Y~~ar~~d. Minimum front yard setback for all structures shall be thirty (30) feet. The setback is measured to the nearest foundation or column. A maximum two foot



cantilever into the setback area such as a bay window or chimney that does not extend to the ground is allowed.

- B. Side ~~y~~Yard. Minimum side yard setback for any one side shall be ten (10) feet for any one side, and a combined total of twenty-four (24) feet for both sides, for all main structures. Minimum side yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used) or unless otherwise approved by the planning commission. On corner lots, the side yard facing the street shall be not less than twenty (20) feet, ~~and~~
- C. Rear ~~y~~Yard. The minimum rear yard for all main structures shall be thirty (30) feet. The setback is measured to the nearest foundation or column. A maximum two foot cantilever into the setback area such as a bay window or chimney that does not extend to the ground is allowed. Minimum rear yard setback for accessory structures shall be Ten (10) feet unless fire coded (three (3) feet minimum if fire code is used), or unless other approved by the planning commission.
- D. Distance ~~B~~etween ~~M~~ain ~~S~~tructures and ~~A~~ccessory ~~B~~uilding. The minimum distance between all main structures and accessory buildings shall be ten (10) feet, unless otherwise approved by the planning commission.
- E. No ~~B~~uildings on ~~R~~ecorded ~~E~~asements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement (i.e. Public Utility Easement, etc.).
- F. Lot standard and street frontage. Except as otherwise provided in this title, every lot presently existing or hereafter created shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way as approved by the planning commission, before a building permit may be issued; provided, that no lot containing ~~three~~five acres or less shall be created which is more than three times as long as it is wide.
- G. Yard space for one building only. No required yard or other open space around an existing building or which is hereafter provided around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoin lot be considered as providing a yard or open space on a lot where on a building is established.
- H. Area of structures and accessory building. No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than twenty five percent (25%) of the rear yard.

I. Sale or lease of space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building.

J. Yards to be unobstructed – ~~e~~Exceptions.

Every part of a required front yard, rear yard or side yard shall be open to the sky, unobstructed except for permitted accessory structures, including buildings, in a rear yard; ordinary architectural projections of sky-lights, sills, bet courses, cornices, chimneys, flues; and other ornamental features which project into a yard not more than two and one half (2 ½) feet; open or lattice-enclosed fire escapes; and fireproof outside stairways and balconies opening upon fire towers projecting into a yard no more than five feet. Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure. Landscape enhancements, including but not limited to arbors, ponds, decorative walkways, and retaining structures, with a gross area of 120 square feet or less and a height of 24 inches or less) except arbor or trellis openings with a width not greater than 60 inches, depth not greater than 24 inches and height not greater than 96 inches, shall be allowed within any front yard, side yard or rear yard set-back area. Structures identified as exempt from a building permit, with the exception of fences, retaining walls, and access walkways or driveways, shall not be placed or constructed within any front yard or corner street-side side yard setback area.

| 17.20.055 Lots and dwellings fronting on private streets – ~~S~~special ~~P~~rovisions.

Lots with frontage only on private streets shall require planning commission approval and shall be subject to all applicable requirements of this title.

17.20.060 Height regulations.

A. No main structure shall be erected to a height greater than thirty five (35) feet as measured from the lowest finished ground level to the highest roof structure including chimney structures. Accessory buildings shall not be erected to a height greater than one story or twenty (20) feet whichever is lower, or be higher or contain greater square foot floor area than the principal building to which is accessory unless otherwise approved by the planning commission. (~~Ord. 264-00~~)

B. Additional height allowed.

Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved by the planning commission.

C. Exceptions to height limitations.

Penthouse or roof structures for the housing of elevators, stairways, tanks ventilating fans or similar equipment required to operate and maintain the building; and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be

erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purposes of providing additional floor space and such increased height is subject to all other ordinances and regulations of the city.

D. Minimum height of dwellings.

No dwelling shall be erected to a height less than one story above grade, ~~except in a planned unit development.~~

17.20.070 Density.

The maximum net density allowed shall be ~~no more than~~ two (2) units per acre.

17.20.080 Farm animal regulations.

A. Large and medium farm animals and fowl may be kept for family use outside dwellings; provide, that all pens, barns, coops, stables or similar structures are located not less than ten (10) feet from any property line and seventy five (75) feet from any neighboring dwellings.

B. Farm animals and fowl may be kept on properties with a minimum are of one acre, according to the following schedule:

For each acre, a parcel shall be eligible to contain or house animals rating on one hundred -(100) points (or prorated for any part thereof).

1. Large animals such as horses and cows: Forty (40) points each.
2. Medium animals such as sheep and goats: Twenty (20) points each.
3. Small animals such as ducks, chickens, geese, rabbits and turkeys: Four(4) points each.
4. Pigs (provided that pens are located at least two hundred (200) feet from neighboring dwellings): Forty (4) points each.

C. All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. All manure, droppings or other waste or debris must be kept from becoming offensive, annoying or a health hazard. Premises and structures must be maintained in a normal, safe, reasonable, sightly and healthful condition consistent with the intent of this title and other applicable ordinances of the city and county.

D. Failure to maintain areas where farm animals are kept in a normal, reasonable, sightly and healthful condition shall invalidate any use specified in this section and shall subject the owner to penalties and/or fines as specified elsewhere in this title.

17.20.090 Reserved.

17.20.100 Fence requirements.

A. Fences, walls and hedges may not exceed six feet in height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.

B. Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback; and, within three (3) feet of any street line or inside of sidewalk (whichever is closer to the primary building on the lot), no fence, wall, or hedge may exceed two (2) feet in height. ~~Notwithstanding any other provisions herein, view obstructing fences, walls or hedges not exceeding four (4) feet in height may be erected and allowed from the front set back of the primary building to within three (3) feet of any street line or inside of sidewalk. Fences, hedges and walls will not exceed two (2) feet in height in the three (3) foot area of any street line or inside of sidewalk.~~

A. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is remains at (5) feet.

B. When a fence, wall or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the lowest higher grade.

C. Clear view of intersecting streets.

In all districts which require a front yard, no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (4) the intersection of the street line, except pedestal type identification signs and pumps at a gasoline service station, and a reasonable number of trees pruned so as to permit obstructed vision to automobile drivers.

## Chapter 17.24 RESIDENTIAL DISTRICT, R-1-10

### Sections:

17.24.010 Purpose.

17.24.020 Permitted uses.

17.13.030 Conditional uses.

17.24.040 Area, width and frontage regulations.

17.24.045 Every dwelling to be on a lot – exceptions.

17.24.050 Yard regulations.

17.24.055 Lots and dwellings fronting on private streets – special provisions.

17.24.060 Height regulations.

17.24.070 Density.

17.24.080 Farm animal regulations.

17.24.090 Reserved.

17.24.100 Fence requirements.

17.24.010 Purpose.

The residential district R-1-10 is established to provide for low density single-family residential neighborhoods of spacious and un-crowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi- public activities that will serve the needs of families. These regulations are intended to preserve and enhance residential character and lifestyle.

17.24.020 Permitted uses.

| The following uses are permitted in the residential districts R-1-10:

- A. Farm animals, see section 17.24.080;
- B. Residential facility for person with a disability. (Ord.251-98 (part):

17.24.030 Conditional uses.

| The following uses are conditional in the residential districts, R-1-10:

- A. Home occupations.
- B. Planned unit developments.
- C. Public, quasi-public uses.
- D. Residential facility for elderly persons.
- E. Accessory Dwelling Units (ADU).
- F. Restricted lots (see Definitions (Section 17.04.030)).

17.24.040 Area, width and frontage regulations.

| The following area, width and frontage regulations apply in the residential district R-1-10:

- A. Minimum residential lot size shall be ten thousand (10,000) square feet;
- B. Minimum lot width at the front yard setback line shall be eighty-five (85) feet;
- C. Minimum lot frontage shall be forty-five (45) feet.
- D. Any lot legally held in separate ownership at the time of adoption of this zoning code, which lot is below the requirements for lot area or lot width for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of the zoning code may be used for a single family dwelling if such a lot is located in the R-1-10 zoning district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided that in no case shall the smaller of the two side yards be less than five feet, nor shall the total width of the two side yards be less than thirteen (13) feet.

17.24.045 Every dwelling to be on a lot – exceptions.

Every dwelling unit shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling unit is located, except that farm or ranch dwellings, group dwellings, condominiums and other multi structure dwellings, complexes under single ownership and management, which are permitted by this title and have approval by the planning commission, may occupy a single lot.

17.24.050 Yard Regulations.

| The following yard regulations apply in the residential district R-1-10:

- A. Front yard.

Minimum front yard setback for all structures shall be thirty (30). The setback is measured to the nearest foundation or column. A maximum two foot cantilever into the setback area such as a bay window is allowed.

B. Side yard.

Minimum side yard setback shall be ten (10) feet for any one side, and a combined total of twenty-four (24) feet for both sides, for all main structures. Minimum side yard setback for accessory structures shall be six (6) feet, unless fire coded and three (3) feet minimum if fire code is used, or unless otherwise approved by the planning commission. On corner lots, the side yard facing the street shall be not less than twenty (20) feet;

C. Rear yard.

The minimum rear yard for all main structures shall be thirty (30) feet. ~~30~~ The setback is measured to the nearest foundation or column. A maximum two foot cantilever into the setback area such as a bay window or chimney that does not extend to the ground is allowed. Minimum rear yard setback for accessory structures shall be six (6) feet, unless fire coded, three (3) feet minimum if fire code is used, or unless otherwise approved by the planning commission.

D. Distance for main structures and accessory buildings.

The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless approved by the planning commission.

E. No building on recorded easements.

Main structures and permanent accessory buildings shall not be built on or over any recorded easements (i.e. Public utility easements, etc.)

F. Lot standards and street frontage.

Except as otherwise provided in this title, every lot presently existing or hereafter created shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued; provided, that no lot containing three~~five~~ acres or less shall be created which is more than three times as long as it is wide.

G. Yard space for one building only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon building is established.

H. Area of structure and accessory building.

No structure or accessory building or group of structures or accessory buildings in any residential district shall cover more than twenty five percent (25%) of the rear yard.

I. Sales or lease of space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building.

J. Yards to be unobstructed – ~~E~~exceptions.

Every part of a required front yard, rear yard or side yard shall be open to the sky, unobstructed except for permitted accessory structures, including buildings, in a rear yard; ordinary architectural projections of sky-lights, sills, belt courses, cornices, chimneys, flues; and other ornamental features which project into a yard not more than two and one half (2 ½) feet; open or lattice-enclosed fire escapes; and fireproof outside stairways and balconies opening upon fire towers projecting into a yard no more than five (5) feet. Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure. Landscape enhancements, including but not limited to arbors, ponds, decorative walkways and retaining structures, with a gross area of 120 square feet or less and a height of twenty four (24) inches or less (except arbor or trellis openings width not greater than sixty (60) inches, depth not greater than twenty four (24) inches and height no greater than ninety six (96) inches shall be allowed within any front yard, side yard or rear yard setback area. Structures identified as exempt from a building permit, with the exception of fences, retaining walls, and access walkways or driveways, shall not be placed or constructed within any front yard or corner street-side setback area.

17.24.055 Lots and dwellings fronting on private streets – ~~S~~special provisions.

Lots with frontage only on private streets shall require planning commission approval and shall be subject to all applicable requirements of this title.

17.24.060 Height regulations.

A. Main and accessory buildings.

No main structure shall be erected to a height greater than thirty five (35) feet measured from the lowest finished ground level to the highest roof structure including chimney structures. Accessory buildings shall not be erected to a height greater than one story or twenty (20) feet, whichever is lower, or be higher or contain greater square foot floor area than the principal building to which it is accessory unless otherwise approved by the planning commission.

B. Additional height allowed.

Public buildings and quasi-public buildings may be erected to a height greater than thirty-five (35) feet when approved by the planning commission.

C. Exceptions to height limitations.



Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet wall, skylights, tower, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits prescribed, but no space above the height limit shall be allowed for purposes or providing additional floor space nor shall such increased height be in violation of any other ordinance or regulation of the city.

D. Minimum height of dwellings.

No dwelling shall be erected to a height less than one story above grade, ~~except in a planned unit development.~~

17.24.070 Density.

The maximum net density allowed shall be ~~no more than~~ 4.3 units per acre.

17.24.080 Farm animal regulations.

A. Large and medium farm animals and fowl may be kept for family use outside dwellings; provided, that all pens, coops, stables or similar structures are located not less than ten (10) feet from any property line and seventy five (75) feet from any neighboring dwellings.

B. Farm animals and fowl may be kept on properties according to the following schedule:

For each acre, a parcel shall be eligible to contain or house animals rating one hundred (100) points (or prorated for any part thereof).

1. Large animals such as horses and cows: Forty (40) points each;
2. Medium animals such as sheep and goats: Twenty (20) points each;
3. Small animals such as ducks, chickens, geese, rabbits and turkeys: Four (4) points each;
4. Pigs (provided that pens are located at least two hundred (200) feet from neighboring dwellings): Forty (40) points each.

C. All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. All manure, droppings or other waste or debris must be kept from becoming offensive, annoying or a health hazard. Premises and structures must be maintained in a normal, safe, reasonable, sightly and healthful condition consistent with the intent of this title and other applicable ordinances of the city and county.

D. Failure to maintain areas where farm animals are kept in a normal, reasonable, sightly and healthful condition shall invalidate any use specified in this section and shall subject the owner to penalties and or fines as specified elsewhere in this title.

17.24.090 Reserved.

17.24.100 Fence requirements.

A. Fences, walls, and hedges may not exceed six feet height within any required rear yard or interior side yard. Notwithstanding the foregoing, the planning commission may approve the erection of a fence to a height greater than six feet within any required rear yard or interior side yard upon a showing that the increased height is reasonably necessary to protect the property from an adjacent incompatible land use.

~~A.B.~~ Notwithstanding any other provision of this Title, no fence, wall, or hedge may exceed four (4) feet in height within any front yard setback; and, within three (3) feet of any street line or inside of sidewalk (whichever is closer to the primary building on the lot), no fence, wall, or hedge may exceed two (2) feet in height. ~~Notwithstanding any other provisions herein, view obstruction fences, walls or hedges not exceeding four (4) feet in height may be erected and allowed from the front setback of the primary building to within three (3) feet of any street line or inside of sidewalk. Fences, hedges, and walls will not exceed two (2) feet in height in the three (3) foot area of any street line or inside of sidewalk.~~

~~B.C.~~ For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is and remains at least five (5) feet.

~~C.D.~~ When a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted as measured from the ~~lowest~~ higher grade.

~~D.E.~~ Clear view of intersecting streets.

In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except pedestal type identification signs and pumps at a gasoline service station, and a reasonable number of trees pruned so as to permit unobstructed vision of traffic.